

Call to Order:

The meeting was called to order at 7:35 p.m. Present were Chair, Joan Duff, members Vincent Chiozzi, Jay Doherty, and Lelani Loder; also present was Jacki Byerley, Town Planner.

Ferry Crossing – 289 River Road:

Ms. Duff opened the public hearings on an application by 289 River Road LLC for a Definitive Subdivision Plan, a Special Permit for Cluster Development and a Special Permit for Earth Movement for Ferry Crossing, a proposed subdivision located at 289 River Road. Ms. Duff stated that the applicant had submitted a written request to continue the hearings without discussion.

On a motion by Ms. Loder, seconded by Mr. Doherty, the Board moved to continue the public hearings for Ferry Crossing a Definitive Subdivision, Special Permit for Cluster Development and Special Permit for Earth Movement without discussion to August 13th at 7:30 pm. **Vote:** Unanimous (4-0).

Dawn Circle Bond Taking - Construction Update:

Ms. Byerley updated the Board on the construction progress at Dawn Circle. The bond taking was continued from a previous meeting at the developer's request so that he could finish the work. MHF Design Consultants submitted a memo dated July 10, 2013 detailing the work that has been completed which includes: the installation of the street bounds, all but one of the iron pin lot corners, the conservation bound markers and the nails at the centerline stations of Dawn Circle. They are hoping to complete the top coat of pavement within the next month. The DPW has suggested that the Board continue the bond taking hearing until the August 13th meeting.

On a motion by Ms. Loder seconded by Mr. Doherty, the Board moved to continue the Dawn Circle aka Sunnyside Estates determination until August 13, 2013 at which time the applicant must provide an updated construction progress report. **Vote:** Unanimous (4-0).

Crystal Circle Bond Reduction:

Ms. Byerley informed the Board that Crystal Circle was accepted as a public street at this year's Town Meeting. The Selectmen have signed all necessary documents and they will be recorded at the Registry of Deeds in the coming days. Ms. Byerley suggested the Board reduce the bond balance to \$0 contingent on the Board receiving the recorded documents.

On a motion by Ms. Loder seconded by Mr. Doherty the Board moved the performance guarantee for Crystal Circle be reduced to a zero balance once the street acceptance documentation has been recorded at the Registry of Deeds. **Vote:** Unanimous (4-0).

Planning Board Applications:

Ms. Byerley informed the Board that all Planning Board applications are going through revisions, and there is a new application for the Special Permit for a Senior Residential Community. Form A, Form B, Form C and the Special Permit for Cluster Development applications are going to change significantly. The Board provided some general comments on the applications. Ms. Byerley asked the Board to review the applications and provide more comments at the next meeting.

Gemini Road Subdivision – 29 Boutwell Road

Ms. Duff opened the public hearings for Definitive Subdivision Plan and Special Permit for Earth Movement for a proposed subdivision to be named Gemini Road located at 29 Boutwell Road. Ms. Byerley informed the Board that the applicant has requested to withdraw the application without prejudice and for the associated fees to be waived if they reapply within six months. The applicant would still be responsible for the advertising fee if they reapply.

On a motion by Ms. Loder seconded by Mr. Doherty the Board moved to allow the applicant's request to withdraw without prejudice the application for Definitive Subdivision and Special Permit for Earth Movement and to waive the administrative and processing filing fees if the new applications are filed prior to December 31, 2013 for the property located at 29 Boutwell Road.
Vote: Unanimous (4-0).

89-93 Main Street:

Ms. Duff opened the public hearing on an application by Jared Eigerman, Esq. of Dalton & Finegold, LLP for a Special Permit for Planned Development, Mixed Use for the property located at 89-93 Main Street, mostly commonly known as Olde Andover Village.

Jared Eigerman of Dalton and Finegold explained to the Board that this building has been mixed use since 1961 and this Special Permit is to reallocate the existing 64,000 s.f. among the 7 different uses and rationalize the shared parking. There will be a future application for a patio that will include improvements to public land necessitating approval by the Board of Selectmen. The total square footage of the building will not change, but there will be an increase in the square footage of fast food, bakery and sit-down restaurant. The existing parking is 52 spaces in the rear and 9 spaces along a fire lane on the side of the building. Per a request from the Fire Department, those 9 spaces will be removed. Once repaved and restriped the rear parking lot will yield 45 spaces. Mr. Eigerman pointed out that by using the special adjustments granted for businesses in the downtown, the 45 spaces provided on site should be sufficient. One adjustment states that if the total computed parking for a particular use in a multi-use building is 6 spaces or fewer, no parking spaces need to be provided. Another states that you do not need to provide any additional spaces if after you apply the previous rule the net increase is 3 or fewer. In using these adjustments, the number of spaces required is 53. After this you need to be able to make findings of a shared parking lot. You can get a 50% reduction in parking if you can prove that the uses complement each other. Mr. Eigerman stated the peak parking demand is 53 spaces. By improving the walkway from the municipal lot to the Historical Society they could be granted a 15% reduction which gets them down to 45 spaces. The repaving and reconfiguring of the parking lot will also lead to an improvement in drainage. There will be a sign posted to inform the public that they are leaving the municipal lot and going into a private lot.

Ms. Byerley informed the Board that Paul Materazzo, Director of Planning, conducted the IDR. The DPW had no comments at this time. The Health Department had questions on the locations of the dumpster and recycling facilities and stated that any food service in the future would have to be reviewed by them. The Fire Department is pleased with the removal of the 9 spaces in the fire lane. The applicant needs to file with the Conservation Commission for a review of the drainage report. The applicant has received approval from the Design Review Board for their

89-93 Main Street (cont'd):

signage, façade and exterior improvements. The Planning Division had comments on parking and the residential units, one of which is affordable as required by the bylaw. Mr. Eigerman added that they have also received approval from the Zoning Board of Appeals for signage.

Ms. Byerley asked Mr. Eigerman if he had been informed of a project on Essex Street where a condition was put in place that the affordable unit could be provided off-site. Mr. Eigerman stated that he was unaware of this. Ms. Byerley offered that she would try to have more information on this at the next public hearing. She asked if the improvements that have already been made to the sidewalk in front of the building were discussed at the IDR, to acknowledge that continuing work is being done to improve the property. Mr. Eigerman noted that there is a Master Plan in place for the property to try to get the building back up to snuff.

Mr. Chiozzi questioned how parking will be implemented for the residents, and if public parking in residential spaces would be prohibited during the day. Mr. Eigerman stated that the bylaw requires a parking agreement with the tenants to be reviewed by staff. John Fenton, a general partner of the property stated that parking spaces are currently assigned to tenants per their leases. There is not currently a prohibition from anyone occupying those spaces, but the intention is to prohibit parking in resident spaces. Mr. Chiozzi asked if the resident parking spaces will be available to the public during the day. Mr. Eigerman answered that the resident spaces would not be available to the public. Ms. Loder asked if residents could park in the lot 24 hours a day and Mr. Eigerman stated that they could. Mr. Chiozzi asked if there could potentially be 14 empty parking spaces during the day because if so, the parking calculation does not work and they would not be meeting the parking requirements. Mr. Eigerman answered that if public parking was prohibited in those spaces, the required number of spaces would not be available. He added that the code may require a business to have so many spaces, but the agreements signed with the tenants do not have to guarantee those spaces. The commercial clients do not have to be assured a number of parking spaces, but the residents do in order to get tenants. Mr. Chiozzi noted that in the past businesses such as CVS were able to count other parking such as the public lot in their calculations, but it would be hard to leave 14 spaces empty. Mr. Eigerman stated that you cannot expect residential spaces to remain empty, but the residents are going to want to be assured a parking space. Mr. Chiozzi requested more detail to properly evaluate the parking.

Ms. Duff asked if they would be informing each business how many parking spaces were available to them. Mr. Eigerman answered that some establishments may insist on reserved spaces, but he will not know until leases are signed. The residents however will have a right to a space, and if they come home and someone is in their space, that person will have to move.

Mr. Doherty asked if the building required 96 parking spaces. Mr. Eigerman answered that it would require 96 parking spaces if it were not in the General Business District which allows for shared parking. Mr. Doherty asked the number of employees expected for the sit-down restaurant. Mr. Eigerman answered that there would be approximately 24 full time employees.

Mr. Chiozzi asked if they had looked at any off-site parking opportunities for the employees. Ms. Byerley added that 1-7 Main Street leases space from St. Augustine's and the Town also has

89-93 Main Street (cont'd):

a parking permit program. Ms. Loder asked how many parking spaces were at the Historical Society and on Main Street in front of the building. She questioned if with the improvement of the lateral walkway, people would park at the Historical Society to access the building. Mr. Eigerman estimated there are 7 spaces on Main Street. He did not know how many spaces were at the Historical Society and added that they were not counting on those spaces. Mr. Doherty added that they might be able to make an agreement with the Historical Society for evening parking.

Ms. Duff asked if it was a typical Andover practice to provide parking for every employee. Ms. Byerley answered yes and no depending on location. Certain businesses have assigned parking for employees, but other businesses have no designated parking.

Ms. Loder asked how many spaces the dumpster and recycling facility take up, noting that if they were moved you could free up two more spaces. Chris Huntress, of Huntress Associates, the landscape architect on the project, informed her that you could not fit any cars in that area.

Ms. Duff asked how big the housing units would be since they would only be allotted one parking spot. Jared Eigerman told her that the units range from 672 s.f to 1,213 s.f. John Fenton added that there is only one two bedroom unit, with the rest being studios or one bedroom. Mr. Chiozzi stated that you cannot ignore that each unit may have more than one car. There is a possibility that there could be 28 cars looking for a place to park. Chris Huntress pointed out that at Powder Mill Square, each unit is only allotted 1.5 parking spaces and it has not been an issue. Ms. Byerley added that there are 8 existing units that don't seem to have parking issues. Christopher Arruda, a general partner stated that they will be charging the tenants for the parking. These units are within walking distance to the commuter rail and they anticipate renters to be primarily single people looking for an inexpensive unit near the commuter rail.

Mr. Eigerman reminded the Board that these are existing buildings that are being adapted. It has operated in this way with shared parking for 50 years. Mr. Doherty stated that the Board realizes that the building has never had enough parking and has been supported by the municipal lot, but he is concerned about winter storm emergencies. Ms. Loder suggested restriping the lot may yield more spaces, but Mr. Eigerman informed her that this plan already shows restriping.

Mr. Arruda stated that this facility use to be a mix of retail, office and multifamily in one building and a primary objective of this reconfiguring is to address security in the residential area. Mr. Doherty reiterated that they should speak with the Historical Society about coming to an agreement about parking. Ms. Loder asked what the fire department was concerned about regarding the parking on the side of the building. Mr. Arruda answered that they were concerned with a ladder truck being able to turn around.

Mr. Chiozzi asked for clarification on the parking permit program and if people can use those permits to park overnight. Ms. Byerley explained that people can park overnight on the street and the sticker program is for certain parking spaces in parking lots. Mr. Chiozzi suggested that they ask St. Augustine's about using their gymnasium parking for nighttime employee parking. Ms. Loder asked if there was relief for time restricted parking and if certain spaces could be

89-93 Main Street (cont'd):

dedicated to short term parking. Ms. Byerley answered the Planning Board can take into account the amount of time that people may spend parking for certain uses. The Town would not be responsible to enforce any short term parking. Jared Eigerman stated that they are going for shared parking right now but they can look into remote parking. Ms. Byerley stated that he should not just focus on nighttime parking because there certain spots on Main Street that are available all day and for certain time frames. Mr. Chiozzi added that CVS had a very sophisticated study which even gave value to the municipal lot on Park Street. Ms. Byerley added that the Special Permit for reduction in parking lets you look 600-1000 ft away.

Susan Big of 49 School Street stated that her property is greatly impacted by the runoff from the parking lot. She would appreciate any improvements to drainage that would reduce the amount of water that flows from the property. She added that St. Augustine's Drive is a private way so she doesn't know how people could park there at night unless it became a public street. She also added that the parents from St. Augustine's are being encouraged to park in the municipal lot. Ms. Byerley explained that there would be different peak hours, the restaurant in the evening and gymnasium on Saturdays.

Mr. Eigerman stated that the runoff from the site is minimal and most of the runoff is sheeting from the Town's property. Steve Stapinski of Merrimack Engineering explained the drainage plan for the site. He stated that they are proposing to collect runoff from a future patio area and roof drains in an infiltration system under the parking lot. The existing catch basins will be improved and chambers will be put underground. There will be about a 5% reduction in runoff. When the municipal parking lot was improved a few years prior it increased the runoff. Susan Big added that the water runs on the other side of a corrugated pipe where there is ponding after any rain.

On a motion by Ms. Loder seconded by Mr. Doherty the Board moved to continue the public hearing on an application by Jared Eigerman, Esq. of Dalton & Finegold, LLP for a Special Permit for Planned Development, Mixed Use for the property located at 89-93 Main Street, mostly commonly known as Olde Andover Village to Tuesday, August 13th at 8:00 p.m. **Vote:** Unanimous (4-0).

The Board scheduled a site walk for Tuesday, August 13th at 6:30 p.m.

Adjournment: The meeting was adjourned at 8:58 p.m.